

App. No. 10/089,409
Office Action Dated March 17, 2005

REMARKS

Favorable reconsideration of this application is requested in view of the above amendments and the following remarks. Claims 1 and 12-14 are hereby amended. Claims 18-20 are new.

Claim 1 is amended editorially. Claims 12-14 are amended to depend only from claims 1 and 2. New claims 18-20 are claims 12-14, respectively, depending from claims 3 and 4.

On page 2 of the Office Action, the Examiner noted claims 7 and 14-17 as being canceled. Applicants would like to draw the attention of the Examiner to the Amendment made under PCT Article 19, canceling claims 7 and 15-17. Therefore, claim 14 should not be considered canceled.

Claims 12-14 were objected to for improper multiple dependent form. The claims are amended to address the concerns of the Examiner. Favorable reconsideration of claims 12-14 and examination of claims 18-20 are requested.

Claims 1, 3, and 5 were rejected as being unpatentable over Nagataki (US 5,527,479). Applicants traverse this rejection. Nagataki does not suggest a read-only or partially recorded optical disk including a protective layer coated with a silicone oil, as required respectively by claims 1 and 3. Rather, Nagataki teaches a lubricating composition which is useful for recording with a sliding magnetic head at a low rotational speed (see column 1, lines 9-18). While read-only optical disks and partially recorded optical disks may be known in the art, one would not look to Nagataki to teach the claimed protection layer and associated silicone oil since Nagataki is not concerned about nor does it suggest a remedy for an optical disk that is at least partially recorded and requiring primarily high-speed seek operations. Rather, Nagataki is concerned with solving the problems associated with low-speed recording operations. Since the optical disk of claims 1 and 3 is aimed at solving problems associated with a disk that is at least partially recorded upon, one knowledgeable in the art would appreciate that such an optical disk would necessitate a relatively high-speed seeking operation in comparison to a disk for recording data

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as taught by Nagataki. In an effort to most effectively realize a high-speed seeking operation, factors such as the viscosity of the silicone oil may be modified (see page 20, lines 20-32). Different factors need to be considered even between a read-only optical disk and a partially recorded optical disk (see page 7, lines 1-12). Even more so, would an unrecorded disk according to Nagataki need to focus on solving different issues. Therefore, one would not be motivated to look towards Nagataki to teach a read-only or partially recorded optical disk. Favorable reconsideration of claims 1, 3, and 5 is requested.

Claims 2, 4, 6-11 were rejected as being unpatentable over Nagataki and further in view of Kamezaki (US 5,904,969). Applicants traverse this rejection. Claims 2, 4, and 6 require a printing layer provided under the protective layer. Neither Nagataki nor Kamezaki suggest a printing layer under a protective layer for visual identification of a subject matter recorded on a read-only or partially recorded optical disk. One knowledgeable in the art would not be motivated to combine the teachings of Nagataki with Kamezaki. The disk taught by Nagataki does not yet contain recorded data and therefore a visual identification of subject matter would not be desired or appropriate. Further, the printing layer could not be provided after recording as the printing layer is required by claims 2, 4, and 11 to be located under the protective layer and associated silicone oil. Favorable reconsideration of claims 2, 4, 6-11 is requested.

In view of the above, favorable reconsideration in the form of a notice of allowance is requested. Any questions regarding this communication can be directed to the undersigned attorney, Douglas P. Mueller, Reg. No. 30,300, at (612)455-3804.

Dated: June 17, 2005



DPM:mfe

Respectfully Submitted,

A handwritten signature in black ink, appearing to be "D. Mueller", written over a horizontal line.

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